

**FILED**

AUG 10 2017

DEBORAH S. HUNT, Clerk

LEE CRAFT – CASE NO. 17-1544

**UNITED STATES COURT OF APPEALS FOR THE SIXTH  
CIRCUIT**

**LEE CRAFT**

**Case No. 17-1544**

**v.**

**NATIONAL LABOR RELATIONS BOARD**

**Board Case No.  
26-CA-085613**

**APPELLANT’S REPLY BRIEF**

**REPLY TO THE BOARD’S FINDINGS OF FACT**

I object to the categorization of several of the allegations against me. Some of allegations against me are written as fact (e.g., “In addition, Craft made numerous comments to Coleman about her clothes, including remarks about her underwear.” While others are more appropriately preceded by language that indicates that these are allegations and not fact.

**REPLY TO ARGUMENT**

I assert that the Board’s dismissal of my complaint was not rational or supported by substantial evidence and that both the Board and the administrative law judge gave undue credit to the respondent’s witnesses and failed to grant me restitution based on the reasoning given for my wrongful termination.

I deny that there “would have been” legitimate reasons for my discharge even if I had not engaged in protective activity. I categorically deny that I engaged in harassing and intimidating behaviors toward any other employees at Philips. I feel that it is noteworthy that none of the “other employees” who witnesses any “out of control” behaviors and “harassment” were produced at the trial other than the people who I cited in my complaints to human resources. None of the other witnesses ever attributed such negative descriptions to my character or conduct. I further assert that it was impossible for me to perform certain duties as a lead employee without the support of management.

As to the allegations of poor work performance, if I, in my capacity and role as a lead, instruct an employee to perform a task, and they do not complete the task but instead go to the supervisor to claim harassment, not only will I not be successful in my position, but it puts my reputation and my family’s livelihood at risk. This is precisely why I attempted to obtain some kind of help from corporate Human Resources as evidenced by my many email exhibits in the original trial documents. The decision to terminate me was nothing short of malicious and I overheard Kim Coleman state that she was purposefully attempting to get me fired by stating that I was harassing her.

Finally, I deny that my claims are without merit. I deny that I engaged in any type of misconduct pertaining to my coworkers or management. The judge erred in crediting the testimony of Sherry McMurrian, Thelma Halbert, and Kim Coleman. These three are the subject of my requests for assistance from corporate Human Resource, along with Rolita Turner. Sherry McMurrian, herself, committed perjury by stating that there was no unwritten rule in spite of evidence provided in the contrary. Additionally, none of the witnesses (with the exceptions of the ones mentioned above) had anything remotely negative to say about my conduct. Allegations of insubordination (“failure to stay out of the Ballast Department” was also untenable as (for example) the record and map of the facility indicate that it would have been impossible for me to perform my work duties and stay out of the area altogether. Taking these things into consideration, I assert that it was not a rational decision for the Board to uphold the judge’s decision to credit McMurrian, Coleman, and Halbert.

### CONCLUSION

In conclusion, I believe the Board erred in upholding the administrative judge’s decision because I was in fact wrongfully terminated for engaging in protected activities. To say that I “would have” been terminated anyway because of other alleged issues is not relevant. The

LEE CRAFT – CASE NO. 17-1544

reason for my termination was clearly stated. I was terminated for showing my write up and telling my coworkers what happened. This is a protected activity. The Board found that Philips maintained an unlawful rule and the application of this rule was the basis for my termination. These are the facts. If the law has any meaning, the Board should have held Philips accountable and awarded damages.

I certify that a copy of this Appellant's Reply Brief was sent to opposing counsel via U.S. Mail on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

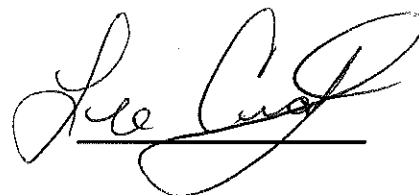
A COPY OF THE REPLY BRIEF WAS SUBMITTED TO THE  
FOLLOWING PARTIES BY

FEDERAL EXPRESS ON 08-09-17

RECEIVED

AUG 10 2017

DEBORAH S. HUNT, Clerk



Jill Colyer  
US Court Of Appeals  
100 E. Fifth Street  
Room 540 Cincinnati OH 45202  
(513) 564-7000

William T. Hearne  
National Labor Relations Board, Region 26  
80 Monroe Avenue, Suite 350  
Memphis Tennessee 38103  
(901) 425-7232

Sherry McMurrian  
Philips Electronics North  
America Corporation  
3399 E. Raines  
Memphis TN 38118-6819  
(901) 795-1071

Mason Miller, ESQ  
Senior Counsel, Employment & Labor Law  
Philips Electronics North America Corporation  
200 Franklin Square Drive  
Somerset, New Jersey 08873-4186  
(732) 563-3123

# FedEx

Express

117  
6 15:00  
A  
08/10/2017

**X-RAY**  
United States Marshals Service

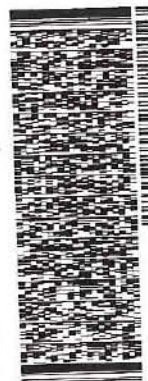
**earth smart**  
FedEx carbon-neutral  
envelope shipping

ORIGIN: LDC:UN (801) 804-8227  
DINER: JALICE  
6435 FOREST WIND CV  
COLLENTVILLE, TN 38017  
UNITED STATES US

SHIP DATE: 08AUG17  
FACTORY: 0301LE  
END: 00030814/SSEFL002

TO  
JILL COLYER  
US COURT OF APPEALS  
100 E 5TH ST  
RM 540  
CINCINNATI OH 45202

613 304-7000  
SEP 1



THU - 10 AUG 3:00P  
STANDARD OVERNIGHT

**XH LUKA**

45202  
OH-US  
CVG



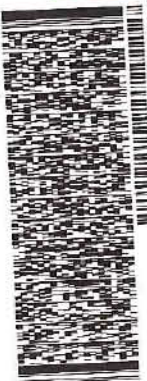


ORIGIN: 1010LVA (801) 804-9227  
 DANE PRICE  
 9435 FOREST AIND CV  
 COLLETSVILLE, TN 38017  
 UNITED STATES US

SALP DATE: 08AUG17  
 ACT451: 0:50 US  
 CDB: 00858CE1W5SF1902

TO JILL COLYER  
 US COURT OF APPEALS  
 100 E 5TH ST  
 RM 540  
 CINCINNATI OH 45202

(S) 854-1000 KFT 3671



**environment.**  
 envelopes that are part of  
 non-neutral envelope  
 em, you're helping support  
 projects like wind farms and  
 Our investments in these  
 neutralize the carbon  
 shipping, all at no extra cost  
 at's a breath of fresh air.  
 connects the world in  
 resourceful ways at  
[fedex.com](http://fedex.com). Join our efforts  
 envelope.

THU 7798 9472 8857

THU - 10 AUG 3:00P  
 STANDARD OVERNIGHT

**XH LUKA**

45202  
 OH-US  
 CVG



**Extremely Urgent**

**For FedEx Express® Shipments Only**

Contents should be compatible with the  
 container and packed securely. For  
 shipping terms and conditions and our  
 limits of liability, refer to the applicable  
 FedEx Express shipping document, the  
 current FedEx Service Guide, or conditions  
 of carriage.

For more information on FedEx Express  
 services, solutions, and shipping  
 locations, go to [fedex.com](http://fedex.com), or contact  
 your nearest FedEx location.

© 2013 FedEx. 158475/158476 REV 9/13

Insert shipping  
 document here.